'08 MJ 2136

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 JUL 14 AM 10:50
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Clemente FLORES-Ramales,

Defendant

Magistrate Docket No.
'08 MJ 2136

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **July 13, 2008** within the Southern District of California, defendant, **Clemente FLORES-Ramales,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14th** DAY OF **JULY 2008**

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Clemente FLORES-Ramales

PROBABLE CAUSE STATEMENT

On July 13, 2008 Border Patrol Agent A. Pearson, was assigned to line watch duties near the Otay Mesa Port of Entry. This area is approximately three miles east of the Otay Mesa, California Port of Entry and approximately two miles north of the International Border. At approximately 9:30 a.m. Agent Pearson was driving south when he encountered two civilians who were requesting help for one male individual sitting on the side of the road and appeared lost and tired lost and tired. The individual was wearing jeans and a black t-shirt and was covered in dirt and brush. Agent Pearson approached the individual and identified himself to the individual later identified as defendant **Clemente FLORES-Ramales**, as a Border Patrol Agent and questioned the defendant to determine his citizenship and immigration status.

Agent Pearson asked the defendant if he possessed documents that would allow him to remain in the United States legally. The defendant replied "no". The defendant admitted that he had illegally crossed the border near Otay Mesa, California through the mountains. Agent Pearson arrested the defendant and transported him to the Brownfield Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **July 16, 2007 through Brownsville, Texas.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.